

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public Services - Prosecution Department - Representation of Sri P.Madhusudhana Rao, Senior Assistant Public Prosecutor(Admn.),Guntur District - Notional seniority on par with his junior Sri G.Ramesh Babu - Objections called for - Notional seniority on par with his junior Sri G.Ramesh Babu assigned - Orders - Issued.

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LAW (L.A.& J-HOME-COURTS.A2) DEPARTMENT

G.O.Ms.No. 138

Dated: 26-10-2010.

Read the following:-

1. G.O.Ms.No.234, Law(LA&J-Courts.C) Department, dated: 25-11-1995.
2. G.O.Ms.No.250, Law(LA&J-Courts.A2) Department, dated: 03-12-1998.
3. Director of Prosecutions, A.P., Hyd, Memo.No.1301/B1/2000,dated: 26-7-2000.
4. Director of Prosecutions, A.P., Hyd., Procs.No.457/B1/2002, dated:10-9-2004.
5. Director of Prosecutions, A.P., Hyd., Memo.No.561/B1/05, dated.25-4-2005.
6. Director of Prosecutions, A.P., Hyd., Memo.No.614/B1/05, dated. 10-5-2005.
7. G.O.Rt.No.1320, Law (LA&J-Courts.A2) Department, dated: 20-08-2007.
8. Representation of Sri P.Madhusudhana Rao, Senior Assistant Public Prosecutor (Admn.), Ongole, dated:12-12-2007.
9. From the Director of Prosecutions, A.P., Hyderabad Letter No.2126/B1/07, dated: 28-4-2009.
10. Govt. Memo.No.12564/Courts.A/A2/2009, dated: 25-11-2009.
11. Show cause notice No.2126/B1/2007, dated:18-12-2009 issued by the Director of Prosecutions, Andhra Pradesh, Hyderabad.
12. From the Director of Prosecutions, A.P., Hyderabad, Letter No.2126/B1/07, dated: 29-1-2010.

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ORDER :

In the G.O. 1<sup>st</sup> read above, Government have appointed certain advocates as Assistant Public Prosecutors for conducting prosecutions in the Courts of Magistrates in which the name of Sri P.Madhusudhana Rao found place at Sl.No.3 in Zone III.

2. In the G.O. 2<sup>nd</sup> read above, wherein, the services of certain temporary Assistant Public Prosecutors were regularized in Zone-I to VI. It was mentioned that the Assistant Public Prosecutors whose services were regularized shall pass Account Test for Executive Officers within the period of probation as required under rule 9 (a) of the A.P. Prosecutions Service Rules, 1992 and also the language Test in Telugu as required under rule 13 of the A.P. State & Subordinate Service Rules, 1996 within the period of probation failing which his/her probation shall be extended and increment in the time scale of pay shall be postponed without cumulative effect till one passes the test.

3. In the Memo 3<sup>rd</sup> read above, the Director of Prosecutions, A.P., Hyderabad has communicated the provisional seniority list of Assistant Public prosecutors as on 1-7-2000 and requested them to submit objections if any thereon within the fifteen days of Sri P.Madhusudhana Rao, has been declared to have completed probation on 7-1-1999 and Sri G.Ramesh Babu on 19-5-2001.

4. In the Memo 5<sup>th</sup> read above, the Director of Prosecutions, A.P., Hyderabad has communicated the seniority list of Assistant Public prosecutors in which the name of Sri P.Madhusudhana Rao has been shown at Sl.No.17 and the name of Sri G.Ramesh Babu at Sl.No.39 and called for objections. Sri G.Ramesh Babu has not filed any objection against his placement in the seniority list.

5. As the matter stood thus, Sri G.Ramesh Babu, Assistant Public prosecutor has been promoted as Senior Assistant Public Prosecutor vide Proceedings No.1281/B1/2000, dated: 24-12-2001 of the Director of Prosecutions, A.P., Hyderabad.

6. Against the above orders, Sri P.Madhusudhana Rao, has filed OA No.9175/2001 in the Hon'ble A.P. Administrative Tribunal praying to direct the respondents to promote him as Senior Assistant Public Prosecutor by suspending the impugned proceedings Rc.No.1281/B1/2000, dated:24-12-2001 pending disposal of the O.A. The Hon'ble A.P. Administrative Tribunal in vide its orders dated: 21-8-2007 has disposed of the O.A. along with the other OA and MAs, with a direction to the respondents to consider the claim of the applicants for promotion to the post of Senior Assistant Public Prosecutor in the existing vacancies pending inclusion of the post in the 3<sup>rd</sup> Schedule to the Presidential Order. Sri P.Madhusudhana Rao, Assistant Public Prosecutor, has been promoted as Senior Assistant Public Prosecutor vide Proceedings No.1454/B1/2007 dated: 3-12-2007 of the Director of Prosecutions, A.P., Hyderabad.

7. In the reference 8<sup>th</sup> read above, Sri P.Madhusudhana Rao, Senior Assistant Public Prosecutor in his representation dated:12.12.2007, has submitted to the Director of Prosecutions, A.P., Hyderabad while narrating the entire issue requested to give him notional seniority fixing him above Sri G.Ramesh Babu in the provisional seniority list of Senior Assistant Public Prosecutors and also take up necessary action to issue further promotion as Additional Public Prosecutor Grade.II.

8. The Director of Prosecutions, A.P., Hyderabad in his letter 9<sup>th</sup> read above among others has stated that that Sri P.Madhusudhana Rao, was senior to Sri G.Ramesh Babu and his seniority has to be fixed notionally in the category of Senior Assistant Public Prosecutors, with effect from 28.12.2001 i.e. , the date on which Sri G.Ramesh Babu joined as Senior Assistant Public Prosecutor and if it is considered, Sri G.Ramesh Babu has to be reverted to the post of Assistant Public Prosecutor as there was no other vacancy available as on the date and since he was very much junior Assistant Public Prosecutor in Zone-III as on that date as per the seniority list communicated in Memo. No.561/B1/2005, dated.25.4.2005 and Review Screening Committee has to be convened to consider the notional promotion of Sri P.Madhusudhana Rao and for reversion of Sri G.Ramesh Babu and also according to the seniority list, the name of Sri G.Ramesh Babu did not even come up for consideration in the S.C. reservation in the latest promotions vide Proc. No.1454/B1/2007, dated: 3.12.2007.

9. In the Memo 10<sup>th</sup> read above, requested the Director of Prosecutions, A.P., Hyderabad to issue show-cause notices to the affected persons in connection with the consideration of the request of Sri P.Madhusudhana Rao, Senior Assistant Public prosecutor for assigning notional date of seniority i.e. 28-12-2001 i.e. the date from which his junior was promoted as Senior Assistant Public Prosecutor duly following the procedure laid down under rule 24 of APS & SS Rules 1996 and examine the objections if any received and furnish the same with his specific remarks to the Government for taking further action in the matter.

10. The Director of Prosecutions, A.P., Hyderabad in his letter dated:29.1.2010 submitted that he has issued a show cause notice to Sri G.Ramesh Babu on 19-12-2009 through Registered Post Acknowledgement due, calling for his objections if any, for fixation of notional date of seniority to Sri P. Madhusudhana Rao, with effect from 28-12-2001 the date on which his junior was promoted as Senior Assistant Public Prosecutor directing that his objections should reach his office within 15 days from the date of receipt of notice, so as to furnish a report to the Government or else, it will be presumed that he has no objections to submit in the matter and though one month time has elapsed, no communication is received from Sri G.Ramesh Babu, Senior Assistant Public Prosecutor.

11. Government after careful examination of the entire issue keeping in view the proposal and further report of the Director of Prosecutions, A.P., Hyderabad, have come to a conclusion to assign notional seniority to Sri P.Madhusudhana Rao from 28-12-2001, the date on which his junior Sri G.Ramesh Babu was promoted as Senior Assistant Public Prosecutor and accordingly, assign notional seniority to Sri P.Madhusudhana Rao from 28-12-2001 as Senior Assistant Public Prosecutor.

12. The Director of Prosecutions, A.P., Hyderabad, is requested to take further necessary action in the matter.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

A.SHANKAR NARAYANA,  
SECRETARY TO GOVERNMENT,  
LEGISLATIVE AFFAIRS & JUSTICE.

To,  
The Individual through the Director of Prosecutions, A.P., Hyderabad.  
The Director of Prosecutions, Andhra Pradesh, Hyderabad.

// FORWARDED :: BY ORDER //

SECTION OFFICER.